

PIETRAGALLO, BOSICK & GORDON LLP

Attorneys at Law
301 Grant Street
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219-6404
USA

Telephone Number: (412) 263-2000

Direct Fax: (412) 261-0915

Alternate Fax: (412) 261-5295

FACSIMILE TRANSMISSION COVER PAGE

DATE: December 21, 2005
RECIPIENT: Latrice Sims
COMPANY: USPTO Office of Finance
RECIPIENT'S FAX NO.: (571) 273-6500
FROM: Christine J. Graff
FILE NUMBER: U.S. Serial No. 09/729,133, Filed December 1, 2000
(Atty. Docket No. 24729-105F (LUME-48408))

PAGES (including cover page): 5

MESSAGE:

Please process a refund in the amount of \$250 to Deposit Account 500859 (in the name of Pietragallo, Bosick & Gordon). Please issue a credit to the account.

On December 9, 2004, \$225 and \$250 were charged to our account for a 2 Month Extension of Time and a Brief in Support of Appeal. These charges appeared on December 14 on our statement. We were then charged another \$250 on December 15. This is a duplicate charge and should be credited to our account.

Please call me directly if you require any additional information.

Attachments: - December 2004 Deposit Account Statement for Deposit Account 500859 (2 pages)
- Copy of Fee Transmittal and Petition for Extension - (2 pages)

SENT BY: Christine J. Graff TELEPHONE NUMBER: (412) 263-4371

CONFIRMATION COPY:

☐ VIA U.S. MAIL ☐ VIA INTERNATIONAL FEDERAL EXPRESS
☐ VIA AIR MAIL ☒ NONE

Best Available Copy

Deposit Account Statement

Page 1 of 3



**United States
Patent and
Trademark Office**

USPTO
Home
Page
Finance
Online
Shopping
Page

Deposit Account Statement

Requested Statement Month: December 2004
 Deposit Account Number: 500859
 Name: PIETRAGALLO, BOSICK, & GORDON
 Attention: ALAN G. TOWNER, ESQ.
 Address: ONE OXFORD CENTRE 38TH FLOOR
 City: PITTSBURGH
 State: PA
 Zip: 15219-6404
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01	1379	78525192	LMC 67628	7001	\$335.00	\$23,379.00
12/02	69	78525244	AAFS 67560-1	7001	\$335.00	\$23,044.00
12/03	2	10324256	GLOB 60705	2252	\$215.00	\$22,829.00
12/07	47	10373484	IBIQ-315 AR/CL/TW	1202	\$108.00	\$22,721.00
12/09	102	10289701	TELE 60153	2251	\$60.00	\$22,661.00
12/09	141	11005819	SEAG 65550	1001	\$790.00	\$21,871.00
12/10	1	10305456	SEAG 60516	1202	\$18.00	\$21,853.00
12/10	44	10289701	TELE 60153	2251	-\$60.00	\$21,913.00
12/10	45	10289701	TELE 60153	2251	\$55.00	\$21,858.00
12/10	155	10800499	NORT 67360	8007	\$100.00	\$21,758.00
12/10	201	6245235	GLOB-47824	2551	\$450.00	\$21,308.00
12/10	202	6244346	GLOB-47825	2551	\$450.00	\$20,858.00
12/10	204	5633896	TT-710	1552	\$2,300.00	\$18,558.00
12/10	205	5633896	TT-710	1555	\$130.00	\$18,428.00
12/10	206	5673292	57,657C	1552	\$2,300.00	\$16,128.00
12/10	296	10456673	SEAG 61982	1501	\$1,400.00	\$14,728.00
12/10	297	10456673	SEAG 61982	1504	\$300.00	\$14,428.00
12/13	41	10716211	KMB 64297	1806	\$180.00	\$14,248.00
12/13	42	10716211	KMB 64297	2814	\$65.00	\$14,183.00
12/14	24	10899560	BIT 66373	2051	\$65.00	\$14,118.00
12/14	25	10899560	BIT 66373	2251	\$60.00	\$14,058.00
12/14	57	09729133	24729-105F	2252	\$225.00	\$13,833.00
12/14	58	09729133	24729-105F	2402	\$250.00	\$13,583.00
12/14	87	10337103	SEAG 52855	1801	\$790.00	\$12,793.00
12/15	2	10851022	VTIP 66261	2051	\$65.00	\$12,728.00
12/15	3	10851022	VTIP 66261	2252	\$225.00	\$12,503.00
12/15	66	11005819	SEAG 65550	8021	\$40.00	\$12,463.00

Best Available Copy

Deposit Account Statement

Page 2 of 3

12/15 71	09729133	24729-105F	2402	\$250.00	\$12,213.00
12/16 39	10144079	GLOB 51627	2251	\$60.00	\$12,153.00
12/16 40	10144079	GLOB 51627	1806	\$180.00	\$11,973.00
12/16 61	60635713	GLOB 50082	2005	\$100.00	\$11,873.00
12/16 62	60635714	GLOB 50081	2005	\$100.00	\$11,773.00
12/16 63	60635715	MHW48685	2005	\$100.00	\$11,673.00
12/16 76	5083372		8021	\$40.00	\$11,633.00
12/17 2	6247995	LUME-48470	2551	\$450.00	\$11,183.00
12/20 60	10929188	BRAJ 66441	2051	\$65.00	\$11,118.00
12/20 76	10764629	IBIQ 67429	8007	\$20.00	\$11,098.00
12/20 78	10770314	IBIQ 67425	8007	\$60.00	\$11,038.00
12/21 4	10337103	SEAG 52855	1202	\$50.00	\$10,988.00
12/22 184	11014496	MHW 84739	2011	\$150.00	\$10,838.00
12/22 185	11014496	MHW 84739	2111	\$250.00	\$10,588.00
12/22 186	11014496	MHW 64739	2311	\$100.00	\$10,488.00
12/22 187	11014496	MHW 64739	2202	\$75.00	\$10,413.00
12/22 188	11014496	MHW 64739	2201	\$300.00	\$10,113.00
12/23 8	10447364	030009	1251	\$120.00	\$9,993.00
12/23 491	PCT/US04/42134	MHW 67779	1601	\$300.00	\$9,693.00
12/23 492	PCT/US04/42134	MHW 67779	1704	\$1,920.00	\$7,773.00
12/23 493	PCT/US04/42134	MHW 67779	1702	\$1,134.00	\$6,639.00
12/23 494	PCT/US04/42134	MHW 67779	1703	\$168.00	\$6,471.00
12/23 495	PCT/US04/42134	MHW 67779	8007	\$20.00	\$6,451.00
12/27 5	E-REPLENISHMENT		9203	-\$21,059.00	\$27,510.00
12/27 6	PCT/US04/37944	IBIG 67005	8007	-\$20.00	\$27,530.00
12/27 7	PCT/US04/37944	IBIQ 67005	8007	\$40.00	\$27,490.00
12/27 16	10851022		8021	\$40.00	\$27,450.00
12/27 25	10851022		8021	\$40.00	\$27,410.00
12/30 55	10206636	GLOB-2A	2501	\$700.00	\$26,710.00
12/30 56	10206636	GLOB-2A	1504	\$300.00	\$26,410.00
12/30 125	11021450	NORT 64560	1011	\$300.00	\$26,110.00
12/30 126	11021450	NORT 64560	1111	\$500.00	\$25,610.00
12/30 127	11021450	NORT 64560	1311	\$200.00	\$25,410.00
12/30 174	11021875	SEAG 6561.4	1011	\$300.00	\$25,110.00
12/30 175	11021875	SEAG 6561.4	1111	\$500.00	\$24,610.00
12/30 176	11021875	SEAG 6561.4	1311	\$200.00	\$24,410.00
12/30 177	11021876	SEAG 6642	1011	\$300.00	\$24,110.00
12/30 178	11021876	SEAG 6642	1111	\$500.00	\$23,610.00
12/30 179	11021876	SEAG 6642	1311	\$200.00	\$23,410.00
12/30 180	11021876	SEAG 6642	1201	\$200.00	\$23,210.00
12/30 181	11021876	SEAG 6642	1202	\$300.00	\$22,910.00

START
BALANCE
\$23,714.00

SUM OF
CHARGES
\$21,943.00

SUM OF
REPLENISH
BALANCE
\$21,139.00

\$22,910.00

Post Available Copy

Need Help? | [USPTO Home Page](#) | [Finance Online Shopping Page](#)

PTO/SB/17 (12-04)

Approved for use through 07/31/2006, OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (P.L.R. 4818).**FEE TRANSMITTAL**
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**250.00****Complete if Known**

Application Number	09/729,133
Filing Date	12/01/2000
First Named Inventor	Bruce Bryan
Examiner Name	Rebecca E. Prouty
Art Unit	1652
Attorney Docket No.	24729-105F (LIME 48408)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: **500859** Deposit Account Name: **Pietragallo**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**

- 20 or HP = _____ **x** _____ **=** _____ **Fee (\$)** **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ **x** _____ **=** _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**

_____ - 100 = _____ / 50 = _____ (round up to a whole number) **x** _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Filing a brief in support of appeal

Fees Paid (\$)

250.00**SUBMITTED BY**

Signature	<i>Lara A. Northrop</i>	Registration No. (Attorney/Agent)	55,502	Telephone	412-263-4362
Name (Print/Type)	Lara A. Northrop	Date	12/09/2004		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

Best Available Copy

PTO/SB/22 (12-04)

Approved for use through 07/31/2008. OMB 0551-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 <small>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</small>		Docket Number (Optional) 24729-105F (LUKE 48408)
Application Number 09/729,133	Filed 12/01/2000	
For BIOLUMINESCENT NOVELTY ITEMS		
Art Unit 1652	Examiner Rebecca E. Prouty	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

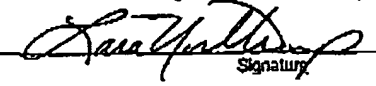
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ <u>225</u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

- ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 500859. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- I am the ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
- ☒ attorney or agent of record. Registration Number 55,502
- ☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____


 Signature

12/09/2004
 Date

Lara A. Northrop
 Typed or printed name

412-263-4362
 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1/14/2004 BWD/RJF1 00000030 500859 09729133

FC:2252 225.00 00

PAGE 6/6 * RCVD AT 5/11/2006 9:35:04 AM [Eastern Daylight Time] * SVR:USPTO-EFXXF-3/18 * DNIS:2736500 * CSID:14122610915 * DURATION(mm-ss):02-22

Best Available Copy

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1019
 CONNECTION TEL 15712736500
 SUBADDRESS
 CONNECTION ID
 ST. TIME 12/21 15:47
 USAGE T 01'33
 PGS. SENT 5
 RESULT OK

*RE-SEND
 Per instruction of Latrice Sims
 May 11, 2006*

PIETRAGALLO, BOSICK & GORDON LLP
 Attorneys at Law
 301 Grant Street
 One Oxford Centre, 38th Floor
 Pittsburgh, PA 15219-6404
 USA
 Telephone Number: (412) 263-2000
 Direct Fax: (412) 261-0915
 Alternate Fax: (412) 261-5295

FACSIMILE TRANSMISSION COVER PAGE

DATE: December 21, 2005
 RECIPIENT: Latrice Sims
 COMPANY: USPTO Office of Finance
 RECIPIENT'S FAX NO.: (571) 273-6500
 FROM: Christine J. Graff
 FILE NUMBER: U.S. Serial No. 09/729,133, Filed December 1, 2000
 (Atty. Docket No. 24729-105F (LUME-48408))

PAGES (including cover page): 5

MESSAGE:

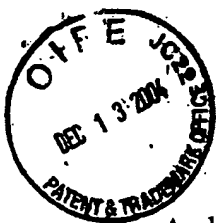
Please process a refund in the amount of \$250 to Deposit Account 500859 (in the name of Pietragallo, Bosick & Gordon). Please issue a credit to the account.

On December 9, 2004, \$225 and \$250 were charged to our account for a 2 Month Extension of Time and a Brief in Support of Appeal. These charges appeared on December 14 on our statement. We were then charged another \$250 on December 15. This is a duplicate charge and should be credited to our account.

Please call me directly if you require any additional information.

Attachments: - December 2004 Deposit Account Statement for Deposit Account 500859

Best Available Copy



AF 1652
ISW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/729,133
Applicant : Bruce Bryan
Filed : 12/01/2000
Title: : BIOLUMINESCENT NOVELTY ITEMS
TC/A.U. : 1652
Examiner : Rebecca E. Prouty
Docket No. : 24729-105F (LUME 48408)
Confirmation No. : 3075

APPEAL BRIEF

December 9, 2004

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

12/15/2004-GWORDF1-00000019-500859-09729133-

01-FC:2402-250.00-DA-

Sir:

Appellant hereby appeals the final rejection of the captioned case set forth in the Office Action dated February 11, 2004, and maintained in the Advisory Action dated September 7, 2004. Appellant herewith submits a Two-Month Petition for Extension of Time.

REAL PARTY IN INTEREST

The real party in interest is Bruce Bryan, the inventor of the captioned application.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that are believed to directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-21 are pending in the application, with claims 4, 6, 7 and 15-21 having been withdrawn.

Claims 9 and 11 are objected to.

Claims 1-3, 5, 8, 10 and 12-14 stand rejected under 35 U.S.C. § 103(a).

782713

Adjustment date: 06/12/2006 SFELEKE1
12/15/2004 GWORDF1 00000019 500859 09729133
01 FC:2402 250.00 CR

Rest Available Copy